

Draft Policy - Technical Service Provider Assistance

3-6-03

CONTENTS

Purpose	2
Introduction and Background	2
Program Delivery	2
General Requirements	3
Certification	4
Technology and Training	7
Program Participant Acquisition of Technical Services	8
Departmental Delivery of Technical Services	8
Use of Subcontractors by Technical Service Providers	9
Allocations to States	10
Measurement and Accountability	10
Roles and Responsibilities	12
Liability	14
Freedom of Information Act and Privacy Act	15
Appeals	15
Conflict of Interest	15
Waste, Fraud, and Abuse	16
Decertification	16
Definitions	17

Draft Policy - Technical Service Provider Assistance

3-6-03

Purpose

The United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) establishes national policy with this document for the use of Technical Service Providers. NRCS will implement Technical Service Provider assistance in accordance with the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002, Public Law 107-171 (2002 Farm Bill).

Introduction and Background

- (a) Section 1242 of the Food Security Act of 1985, as amended by the Farm Security and Rural Investment Act of 2002, Public Law 107-171, May 13, 2002, (2002 Farm Bill) provides for delivering technical assistance to a producer directly or through a payment for an approved third party, if available. The legislation calls for establishing a system for approving individuals and entities to provide technical assistance, establishing criteria for the evaluation of providers or potential providers of technical assistance, and establishing the amounts and methods for payments for that assistance. The legislation also provides for entering into cooperative agreements or contracts with non-Federal entities to assist in providing technical assistance necessary to develop and implement conservation programs.
- (b) The adjusted gross income limit contained in the 2002 Farm Bill is not applicable to services provided by Technical Service Providers.
- (c) Procedures and guidelines for carrying out this policy are contained in the NRCS Technical Service Provider Assistance Handbook.

Program Delivery

- (a) Socially Disadvantaged Producers, Beginning Farmers and Ranchers, Limited Resource Farmers, and Historically Underserved Groups and Individuals
 - (1) All individuals have equal access to USDA conservation programs, services, and available Technical Service Provider assistance, including opportunities to be certified and to provide technical services as a Technical Service Provider.
 - (2) All technical services provided will be in compliance with all Civil Rights Acts, non-discrimination statutes, and related regulations of the Secretary of Agriculture.
- (b) Indian Tribes
 - (1) NRCS has a “Trust” responsibility to deliver service to American Indian Tribes through a government-to-government relationship.
 - (2) Federal agencies are directed to remove procedural impediments to working

Draft Policy - Technical Service Provider Assistance

3-6-03

effectively with Tribal governments in the delivery of programs and services and to develop the best mechanism for delivering programs and services to Tribes through the consultative process.

- (3) State Conservationists will consult with federally recognized Tribes to determine the means of delivering USDA conservation programs and services.
- (4) All Indian Tribes and individuals have equal access to USDA conservation programs, services, and available Technical Service Provider assistance, including opportunities to be certified and to provide technical services as a Technical Service Provider.

General Requirements

- (a) The following general requirements serve as the basis for Technical Service Provider implementation:
 - (1) NRCS and Departmental standards must be met.
 - (2) State Conservationists are responsible for assuring that an effective mix of private and public sector technical assistance is used.
 - (3) NRCS will implement a measurement and accountability system that measures and monitors the use and performance of Technical Service Providers.
 - (4) An appeals system will be used to resolve disputes.
 - (5) NRCS technology and technological tools will be available for use by Technical Service Providers to the maximum extent possible. Applicable fees may apply.
 - (6) The traditional roles of NRCS and FSA delivery systems will be maintained as much as possible.

Draft Policy - Technical Service Provider Assistance

3-6-03

Certification

(a) Certification General

- (1) NRCS will administer a national certification process utilizing national certification criteria.
- (2) Individuals, private-sector entities, and public agencies meeting the certification criteria for the technical services they desire to provide may be certified by NRCS to provide technical services in the States they request certification.
- (3) Certification will be for categories of conservation practices and for conservation planning. State Conservationists are not expected to utilize those conservation practices within the categories that do not apply to their particular State.
- (4) Applicants will sign a Certification Agreement with NRCS prior to being certified. The Certification Agreement will cover the terms and conditions of the certification.
- (5) Applicants must be certified and be placed on the NRCS approved list of Technical Service Providers before they are eligible to provide technical services as a Technical Service Provider in accordance with the 2002 Farm Bill and other requirements.
- (6) Employees of public agencies are not eligible to be private-sector Technical Service Providers.

(b) Certification Criteria and Requirements

- (1) To qualify for certification applicants must:
 - (i) Have the technical training, education, or experience to perform the level of technical service for which certification is sought, or be recommended for NRCS certification by a recommending organization,
 - (ii) Meet any applicable licensing or similar qualification standards established by State law,
 - (iii) Demonstrate through documentation of training or experience familiarity with NRCS guidelines, quality criteria, standards, and specifications as set forth in applicable NRCS manuals, handbooks, field office technical guides, and supplements thereto for planning and applying specific conservation practices and management systems for which certification is sought, and
 - (iv) Not be decertified as a Technical Service Provider at the time of application for certification.

Draft Policy - Technical Service Provider Assistance

3-6-03

- (2) To be certified as a Technical Service Provider, individuals must meet the NRCS national criteria established for certification. The criteria is located in TechReg, an NRCS web based certification application program found at <http://techreg.usda.gov>.
 - (3) Applicants will self-certify that they comply with all State and local laws and requirements for providing technical services in the States for which they are requesting certification.
 - (4) Applicants will self-certify that they meet the certification criteria for the categories of technical services for which they are seeking certification.
 - (5) Applicants must be familiar with any unique requirements at the county level for particular conservation practices or technical services before providing those services locally. Applicants must be aware of those local requirements and must agree to familiarize themselves with those requirements by contacting the appropriate NRCS State official before providing technical services.
- (c) Conditional Certifications
- (1) Individuals, private-sector entities, or public agencies are conditionally certified if they have entered into a contract, cooperative agreement, or contribution agreement with the Department prior to November 21, 2002, to provide technical services and they submit an application for certification by June 1, 2003.
 - (2) Individuals are conditionally certified if they were certified under NRCS policy in effect prior to November 21, 2002, and they submit an application for certification by June 1, 2003.
 - (3) Conditional certifications expire either on the date NRCS and the individual, private-sector entity, or public agency enters into a Certification Agreement or September 30, 2003, whichever is earlier.
- (d) Certification Process
- (1) Individuals may submit an application for certification to NRCS or request certification through a recommending organization to NRCS.
 - (2) Applications will be received electronically, through TechReg, which is an NRCS web based application process located at <http://techreg.usda.gov>. Recommending organizations will provide NRCS with information and recommendations for certification for those individuals the organization has determined meet the NRCS criteria for certification.
 - (3) NRCS will randomly review applications submitted for certification in accordance

Draft Policy - Technical Service Provider Assistance

3-6-03

with the agency's quality assurance policy. Providing inaccurate information on the certification application is a violation of the terms and conditions of the Certification Agreement and will trigger the decertification process.

- (4) NRCS will determine within 60 days of receipt of a complete certification application, or a list of names from a recommending organization, if the certification criteria has been met, and if so will:
 - (i) Enter into a Certification Agreement with the applicant,
 - (ii) Place the applicant on the NRCS approved list of Technical Service Providers, and
 - (iii) Make the approved list available to the public.

(e) Agreements with Recommending Organizations

- (1) NRCS may enter into appropriate agreements, including memorandums of understanding, with organizations that NRCS determines have an adequate accreditation program in place to train, test, and evaluate candidates for competency in a particular area or areas of technical service delivery and whose accreditation program NRCS determines meets the certification criteria as set forth for the technical services to be provided.
- (2) NRCS will notify recommending organizations concerning any changes in the agency's certification criteria for individuals to become certified to provide specific technical services.

(f) Certification Renewal

- (1) NRCS certifications are in effect for three years and automatically expire unless they are renewed for an additional three years.
- (2) Technical Service Providers may request renewal of their certification by:
 - (i) Submitting a certification renewal request to NRCS through TechReg at least 60 days prior to the expiration of the current certification, and
 - (ii) Reaffirming the terms and conditions of the Certification Agreement.

(g) Additional Certification Components

- (1) All applicants for certification must meet the same criteria to be certified. Applicants will be held to the same quality of work standards as NRCS personnel performing the same work.

Draft Policy - Technical Service Provider Assistance

3-6-03

- (2) NRCS will establish a fee for the value of the services provided to individuals, private sector entities, and public agencies to become certified as Technical Service Providers.

Technology and Training

(a) Technology and Technical Tools

- (1) NRCS technology and technical tools will be available to the maximum extent possible for use by Technical Service Providers. Applicable fees may apply. NRCS equipment is not available for use by Technical Service Providers.
- (2) NRCS will provide Technical Service Providers with access to technical and related materials on-line, such as the Field Office Technical Guide, appropriate manuals and handbooks, etc.; or will provide links or referrals to other technical and related resources as appropriate.
- (3) NRCS will use existing processes to approve new technologies and practices. New standards will be issued to the public in a timely manner.

(b) Agency Training Responsibilities

- (1) Universities, Colleges, Land Grant Institutions, the Extension Service, the NRCS National Employee Development Center, the NRCS Foundation, and other sources will be utilized to the maximum extent possible to provide technical service and other training for providers or potential providers.
- (2) NRCS will establish fees for the value of the NRCS training provided.

(c) Technical Service Provider Training Responsibilities

- (1) Individuals are responsible for obtaining the training they need to become certified as Technical Service Providers, for keeping their own training records up to date, and for providing documentation in TechReg or to recommending organizations on the specific training they have received.
- (2) Costs associated with becoming certified as a Technical Service Provider, as well as certification renewal or re-certification, are the responsibility of the individual, private-sector entity, or public agency seeking certification.

Draft Policy - Technical Service Provider Assistance

3-6-03

Program Participant Acquisition of Technical Services

- (a) Program participants may select NRCS or a Technical Service Provider to perform the technical services needed in conjunction with their conservation program contract or agreement.
- (b) Payment provisions must be included in the program participant's program contract or agreement prior to the program participant employing the services of a Technical Service Provider, except as provided in (c) below.
- (c) Program participants may be reimbursed for Technical Service Provider costs incurred prior to entering into a program contract or agreement as long as the participant meets the eligibility requirements for participating in the conservation program and the participant subsequently enters into a program contract or agreement.
- (d) The process for making payments for technical services will be handled in accordance with Technical Service Provider Assistance policy and the policy specific to the conservation program being utilized.
- (e) NRCS will establish not-to-exceed payment rates for the technical services to be provided by Technical Service Providers.
- (f) The program participant selects, hires, contracts with, and pays the provider. Payment is made to the program participant or to the provider by assignment.
- (g) The program participant receives reimbursement for the technical services provided up to the not-to-exceed rate. NRCS will provide program participants with 50 percent of the difference between the actual charges below the not-to-exceed rate and the not-to exceed rate to apply toward their cost for practice installation within the cost share limits of the conservation program, thereby decreasing their share of the cost of practice installation.
- (h) NRCS may adjust payment rates, as needed on a case by case basis, in response to unusual conditions or unforeseen circumstances in delivering technical services such as highly complex technical situations, emergency conditions, serious threats to human health or the environment, or major resource limitations.

Departmental Delivery of Technical Services

- (a) State Conservationists may utilize contracts, contribution agreements, and cooperative agreements to obtain needed technical services in accordance with the proper authorities, regulations, policies and the guidance as follows.
 - (1) Contracts will be solicited and awarded in accordance with Federal, Departmental, and Agency Regulations.

Draft Policy - Technical Service Provider Assistance

3-6-03

- (2) The authority for contribution agreements is Section 714 of the 2001 USDA Appropriation Act, Public Law 106-387. Policy and guidance is in the General Manual, Title 120, Circular 12, (Part 401) and the Office of Management and Budget Policy Circulars cited therein. NRCS pays up to 50% of the cost of the technical service. Contribution agreements will be entered into non-competitively.
- (3) Policy and guidance for cooperative agreements are located in the General Manual, Title 120, Circular 12, (Part 401) and the NRCS Federal Grants and Cooperative Agreements Handbook. Cooperative agreements will be awarded based on competition in accordance with 7 Code of Federal Regulations (CFR) 3015.158 (d). Requests for Proposals will be used for all cooperative agreements.
- (b) Economy Act agreements will be utilized with Federal agencies. These agreements shall be in accordance with the Economy Act of 1932, as amended, 31 U.S.C. 1535, and the Federal Acquisition Regulations and related OMB Circulars.
- (c) Payment amounts for Technical Service Provider assistance will be fair, equitable, and reasonable.
 - (1) Payments should be representative of the area in which the technical assistance is being provided.
 - (2) Payment rates for the same practice, with the same size and scope, should be the same regardless of the program being utilized, unless additional tasks are required in conjunction with the specific program being used.
- (d) State Conservationists are responsible for the following items:
 - (1) Ensuring that technical services are obtained in a cost-effective manner, without barriers to full and open competition, and free of any potential conflicts of interest.
 - (2) Providing contracting opportunities for small businesses, small disadvantaged businesses (section 8(a)), and women-owned small businesses in accordance with procurement preference goals.

Use of Subcontractors by Technical Service Providers

Technical service providers may utilize the services of subcontractors to provide specific technical services or expertise needed by the technical service provider, provided that the subcontractors are certified by NRCS for the particular technical services to be provided and the technical services are provided in terms of their Certification Agreement. Payments will not be made for any technical services provided by uncertified subcontractors.

Draft Policy - Technical Service Provider Assistance

3-6-03

Allocations to States

Progress in addressing the additional workload through Technical Service Providers will be considered during allocations.

Measurement and Accountability

- (a) A national NRCS measurement and accountability system will be used to measure and monitor the overall use, performance, and accomplishments of Technical Service Providers. Technical Service Providers will report their accomplishments into the NRCS system.
- (b) State Conservationists will measure and monitor the overall use, performance, and accomplishments of Technical Service Providers in their state.
- (c) Quality Assurance
 - (1) NRCS has the overall responsibility for Technical Service Provider quality assurance. Quality assurance reviews will be conducted in accordance with agency quality assurance policy and guidance found in the General Manual, GM 340, Part 408.
 - (2) Quality assurance for technical services provided by Technical Service Providers will be addressed in the National and State Quality Assurance Plans.
 - (3) Quality assurance reviews will determine if the technical service provided meets policy, procedures, standards, specifications, and other requirements.
 - (4) State Conservationists will:
 - (i) Institute more stringent quality assurance safeguards as the magnitude or complexity of the technical services provided increases and as the risk increases for environmental damage and negative environmental impacts from practice failure.
 - (ii) Identify and elevate to the Chief any inherent concerns or problems that arise in relation to the recommending organization's certification program. NRCS will work with the recommending organization to modify and correct deficiencies in their certification program. NRCS may terminate any agreements or memorandums of understanding with the recommending organization if the deficiencies are not addressed.
 - (iii) Initiate the decertification process for any Technical Service Provider who fails to act responsibly in providing technical services, including meeting NRCS standards and specifications, violation of the terms and conditions of

Draft Policy - Technical Service Provider Assistance

3-6-03

the Certification Agreement, or any other cause of a serious or compelling nature.

- (5) NRCS will respond to technical service concerns or problems when notified of such issues by other entities or agencies.
 - (7) Conservation program customer service satisfaction surveys will include feedback on services provided by Technical Service Providers.
- (d) Compliance with Regulatory Requirements
- (1) The responsible party or agency will carry out compliance with all applicable Federal, State, and Tribal laws, rules, regulations and local requirements in the course of delivering or receiving technical services.
 - (2) Technical Service Providers shall work with program participants to provide information to NRCS, for those technical services that require such activity, to enable NRCS to carry out its responsibilities to comply with environmental requirements.
 - (3) NRCS retains responsibility for all decision-making and consultation required of Federal agencies related to compliance with several resources protection laws, including but not limited to the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), and the National Environmental Policy Act (NEPA).
 - (4) Technical Service Providers contracted with NRCS to gather information to enable NRCS compliance with the NHPA will meet the Secretary of Interior's professional qualification standards as specified in the implementing regulations for section 106 of the NHPA at 800.2(a)(1) and 800.1(a)(3).
 - (5) Technical Service Providers shall work with the program participants to help ensure that all approvals, authorities, rights, permits, and easements necessary for the implementation, operation, and maintenance of conservation practices have been obtained prior to practice installation.
 - (6) USDA program participants are responsible for obtaining all approvals, authorities, rights, permits, and easements necessary for the implementation, operation, and maintenance of conservation practices prior to practice installation.
 - (7) USDA program participants are responsible for compliance with all USDA program requirements.

Draft Policy - Technical Service Provider Assistance

3-6-03

Roles and Responsibilities

(a) Chief

- (1) Provides leadership for the agency's Technical Service Provider process.
- (2) Ensures that the agency's Technical Service Provider process is operating efficiently and effectively.

(b) Deputy Chief

- (1) Provides leadership to ensure that all components to support Technical Service Provider assistance in their area of responsibility are carried out.

(c) Regional Conservationist

- (1) Provides leadership to ensure that the agency's Technical Service Provider process is operating efficiently and effectively at the regional level.

(b) State Conservationist

- (1) Provides leadership to ensure that the agency's Technical Service Provider process is operating efficiently and effectively at the State level.
- (2) Ensures that State-specific training is available through Universities, Land Grant Institutions, The Extension Service, the NRCS Employee Development Center, private businesses, and other sources for Technical Service Providers to help implement Farm Bill programs.
- (3) Provides access for Technical Service Providers to appropriate technical, programmatic, and related reference documents.
- (4) Conducts outreach to ensure that technical services from Technical Service Providers and opportunities to become Technical Service Providers are fully available to socially disadvantaged producers, beginning farmers and ranchers, Indian tribes, limited resource farmers, and historically underserved groups and individuals.
- (5) Disburses payments for services rendered under approved contracts and agreements.
- (6) Conducts quality assurance reviews to ensure that Technical Service Provider assistance is consistent with NRCS policies, procedures, and guidelines, and is in compliance with all regulatory requirements.
- (7) Conducts an interagency review session at least annually with FSA and other

Draft Policy - Technical Service Provider Assistance

3-6-03

appropriate agencies and entities on the use and effectiveness of Technical Service Provider assistance, and elevates needed changes.

- (8) Identifies and addresses issues and concerns that surface with the Technical Service Provider process.

(c) District Conservationist or Designated Conservationist

- (1) Provides leadership and serves as the agency point of contact regarding technical services provided at the local level by Technical Service Providers.
- (2) Maintains a case file copy of the technical service documentation provided at the local level by Technical Service Providers.
- (3) Receives the Technical Service Provider's signed technical certification that the technical services they provided meet NRCS standards for completed conservation plans and practices.
- (4) Provides the NRCS certification for the approval of program payments. This does not include verifying the technical quality of the technical services provided. Technical quality will be handled through the quality assurance process.

(d) Program Participant

- (1) Follows all USDA program and contracting requirements when participating in USDA programs.
- (2) Selects NRCS technical assistance or technical service from a Technical Service Provider, or utilizes technical service in conjunction with NRCS agreements or Federal procurements.
- (3) Proceeds with Technical Service Provider assistance only after payment provisions are included in the program participant's program contract or agreement, or for assistance needed before entering a program contract or agreement only after the program participant is determined eligible to participate in the conservation program. In the latter case payments may be made for Technical Service Provider assistance only if the program participant subsequently enters into a program contract or agreement.
- (4) Informs NRCS when the technical service has been completed.
- (5) Carries out compliance and regulatory responsibilities.

(e) Technical Service Provider

- (1) Provides a signed technical certification to the program participant and NRCS that

Draft Policy - Technical Service Provider Assistance

3-6-03

the particular technical service they provide complies with all applicable Federal, State, Tribal, and local laws and requirements, meets applicable Departmental standards, specifications, and program requirements, is consistent with the particular conservation program goals and objectives for which the program agreement or contract was entered into between the Department and the program participant, and incorporates, where appropriate, low-cost alternatives that would address the resource issues and meet the objectives of both the program and the program participants for which the assistance is being provided.

- (2) Follows all contracting and agreement requirements.
 - (3) Develops, maintains, and provides the program participant and NRCS with a complete set of documentation for the technical service provided. The documentation will be in accordance with NRCS state note-keeping and documentation requirements including the use of approved forms and field sheets.
 - (4) Be legally responsible for the technical services they provide.
 - (5) Be licensed and bonded if any technical service exceeds \$100,000 per occurrence or per contract if the contract is between the Federal government and the Technical Service Provider.
- (f) Recommending Organization
- (1) Trains, tests, and evaluates candidates for competency in the area of technical service delivery.
 - (2) Recommends to NRCS individuals who it determines meet the NRCS certification criteria and requirements for providing specific categories of technical services.
 - (3) Informs the recommended individuals that they must be certified by NRCS, enter into a Certification Agreement with NRCS, and be included on the NRCS approved list before providing technical services as a Technical Service Provider.
 - (4) Reassesses individuals that request renewal of their certification.
 - (5) Notifies NRCS of any concerns or problems that may affect the organization's recommendation concerning the individual's certification, recertification, or certification renewal, or technical service delivery.

Liability

- (a) All Technical Service Providers are legally responsible for the technical services they provide.
- (b) All Technical Service Providers must indemnify and hold the Department and the

Draft Policy - Technical Service Provider Assistance

3-6-03

program participant harmless for any costs, damages, claims, liabilities, and judgments arising from past, present, and future negligent or wrongful acts or omissions of the Technical Service Provider in connection with the technical service provided.

Freedom of Information Act (FOIA) and Privacy Act (PA)

- (a) To ensure the confidentiality of program participant personal information for program participants receiving technical services from Technical Service Providers hired by the Department, the inclusion of a non-disclosure clause will be included in Departmental agreements and contracts.
- (b) Technical Service Providers hired directly by program participants are not subject to Federal disclosure and privacy laws, including the Freedom of Information Act and the Privacy Act. Therefore, the Department encourages program participants to ensure that their contracts with their Technical Service Providers provide for the appropriate confidentiality of personal information.

Appeals

- (a) Program Appeals.
 - (1) Program disputes by program participants will be processed in accordance with the appeals process specific to the applicable program they are participating in, regardless of the source of the technical service.
- (b) Technical Service Appeals.
 - (1) Technical Service Providers may appeal determinations that the technical services they provided did not meet the requirements for delivering technical services.
 - (2) The appeals process is described in the NRCS Technical Service Provider Assistance Handbook.
 - (3) The appeals process does not cover disputes between landowners and providers.

Conflict of Interest

- (a) Employees of public agencies are not eligible to be private-sector Technical Service Providers.
- (b) Memorandums of Understanding and associated agreements between USDA and conservation partners will need to be evaluated, and modified as needed, to avoid conflicts of interest or the appearance thereof as those partners engage in providing technical services as Technical Service Providers in accordance with participant acquisition of technical services. The State Conservationist will monitor existing

Draft Policy - Technical Service Provider Assistance

3-6-03

agreements and memorandums of understanding accordingly and make changes as needed.

Waste, Fraud, and Abuse

- (a) USDA Departmental Regulation, DR 1110-2, Management Accountability and Control, establishes department wide policy for all agencies and staff offices to improve the accountability and effectiveness of USDA programs and operations through the use of sound systems of internal and management controls to reasonably ensure that programs and resources are protected from waste, fraud, and mismanagement.
- (b) The Commodity Credit Corporation (CCC) Charter Act, 15 USC Sec. 714m, Crimes and Offenses, describes the crimes and offenses, and the punishment thereof, relating to Commodity Credit Corporation business, including the use of false statements, embezzlement, larceny, and conspiracy to commit offense, and the general statutes of applicability.
- (c) All NRCS employees and program participants have the responsibility to safeguard against waste, fraud, and abuse. NRCS employees also have the responsibility to understand the actions to take when there is suspicion of waste, fraud, and abuse and how to contact the Office of Inspector General (OIG), Investigative Branch. Technical Service Providers will be encouraged to report waste, fraud, and abuse. Technical Service Providers who engage in waste, fraud, and abuse will be subject to the decertification process.
- (d) The State Conservationists will ensure that each case, where an employee, program participant, or Technical Service Provider is suspected of fraud, is turned over to the OIG, Investigation Branch.
- (e) Any person who is determined by NRCS to have erroneously represented any fact affecting a program determination made in implementing the program shall not be entitled to any payment and shall refund all payments received.

Decertification

- (a) In order to protect the public interest, it is the policy of NRCS to maintain certification of Technical Service Providers who act responsibly in the provision of technical services.
- (b) NRCS will outline its process for decertification in the agency Technical Service Provider Assistance Handbook.
- (c) State Conservationists may decertify a Technical Service Provider, a private-sector entity or public agency and all certified members thereof, or specifically named certified individuals of the entity or agency, for the following reasons.

Draft Policy - Technical Service Provider Assistance

3-6-03

- (1) Failure to meet NRCS standards and specifications in the provision of technical services to the extent that the practice is ineffective or environmentally harmful.
- (2) Providing false information on the certification application.
- (3) Violation of the terms of the Certification Agreement which may include but is not limited to:
 - (i) A demonstrated lack of understanding of, or an unwillingness or inability to implement, NRCS standards and specifications for a particular practice for which the Technical Service Provider is certified, or
 - (ii) The provision of technical services for which the Technical Service Provider is not certified.
- (4) Any other cause of a serious or compelling nature as determined by NRCS that demonstrates the Technical Service Provider's inability to fulfill the terms of the Certification Agreement in providing the technical service.

Definitions

- (a) Approved List means the list of individuals, private-sector entities, or public agencies certified by NRCS to provide technical services to a program participant or to the Department in specific States.
- (b) Certification means the action taken by NRCS to approve an individual that meets, or an entity or public agency as having an employee or employees that meet, the minimum NRCS criteria for providing technical services for conservation planning or specific conservation practices or systems.
- (c) Department means the Natural Resources Conservation Service, the Farm Service Agency, or any other agency or instrumentality of the United States Department of Agriculture that is assigned responsibility for all or a part of a conservation program authorized to utilize the services of Technical Service Providers.
- (d) Entity means a corporation, joint stock company, association, limited liability partnership, limited liability company, nonprofit organization, a member of a joint venture, or a member of a similar organization.
- (e) Outreach is a way of conducting business to ensure that historically "underserved" individuals and groups throughout the United States and its territories are made aware of, understand, and have a working knowledge of USDA programs and services. Outreach ensures that these programs and services are equitable and made accessible to all.

Draft Policy - Technical Service Provider Assistance

3-6-03

- (f) Private Sector includes private individuals, private entities, and non-profit organizations.
- (g) Program participant or participant means a person who is eligible to receive technical or financial assistance under a conservation program authorized to utilize the services of Technical Service Providers.
- (h) Public Agency means a unit or subdivision of Federal, State, local, or Tribal government, other than the Department.
- (i) Recommending Organization means a professional organization, association, licensing board or similar organization with which NRCS has entered into an agreement to recommend qualified individuals for NRCS certification as Technical Service Providers for specific technical services.
- (j) Technical Service Categories include specific conservation practices, combinations of conservation practices that normally fit with specific land uses in conservation systems or resource management systems, and conservation planning to the resource management system level or progressive planning.
- (k) Technical Service means the technical assistance provided by Technical Service Providers, including conservation planning, and / or the design, layout, installation, and checkout of approved conservation practices.
- (l) Technical Service Provider means an individual, entity, or public agency certified by NRCS and placed on the approved list to provide technical services to program participants or the Department.